

AMENDED IN SENATE JUNE 21, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2505**

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**Introduced by Assembly Member Nunez**

February 23, 2006

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An act to *add Sections 1798.29.5 and 1798.82.5 to the Civil Code, and to add Chapter 7 (commencing with Section 11770) to Part 1 of Division 3 of Title 2 of the Government Code, relating to information technology.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2505, as amended, Nunez. ~~California Information Security Response Team.~~ *Information technology: privacy: California Information Security Response Team.*

~~Existing~~

*(1) Existing law regulates the maintenance and dissemination of personal information by state agencies, as defined, and requires each agency to keep an accurate account of disclosures made pursuant to specified provisions. Existing law requires a state agency, or a person or business that conducts business in California, that owns or licenses computerized data that includes specified personal information to notify any resident of California whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person because of a breach of the security of the data.*

*This bill would require an agency, or a person or business that conducts business in California, to notify the Office of Privacy Protection in the Department of Consumer Affairs whenever*

*notifications to residents of California because of a breach of security are made.*

(2) *Existing law sets forth the duties and authority of various state agencies with respect to information technology activities in the state.*

This bill would establish the California Information Security Response Team in state government, with a specified membership chaired by the state chief information officer. The bill would require the California Highway Patrol, upon receiving notification of any information security information incident or computer-related crime, as described, to notify the state chief information officer, who would be required to convene the team to ensure that specified activities have been carried out under existing organizational frameworks, and would require state agencies to cooperate with the team in this regard.

The bill would require the state chief information officer to compile and report to the Legislature no later than December 31, 2007, and annually thereafter, all information security incidents or computer-related crimes reported to the California Highway Patrol.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 1798.29.5 is added to the Civil Code, to*  
2     *read:*

3     *1798.29.5. An agency shall notify the Office of Privacy*  
4     *Protection in the Department of Consumer Affairs whenever*  
5     *notifications required under Section 1798.29 are made.*

6     *SEC. 2. Section 1798.82.5 is added to the Civil Code, to read:*

7     *1798.82.5. A person or business that conducts business in*  
8     *California shall notify the Office of Privacy Protection in the*  
9     *Department of Consumer Affairs whenever notifications required*  
10    *under Section 1798.82 are made.*

11    ~~SECTION 1.~~

12    *SEC. 3. Chapter 7 (commencing with Section 11770) is added*  
13    *to Part 1 of Division 3 of Title 2 of the Government Code, to*  
14    *read:*

1 CHAPTER 7. CALIFORNIA INFORMATION SECURITY RESPONSE  
2 TEAM  
3

4 11770. (a) The California Information Security Response  
5 Team is hereby established in state government.

6 (b) The team shall consist of the following members:

7 (1) The state chief information officer, who shall act as chair.

8 (2) The Assistant Chief of the Office of Technology Review,  
9 Oversight, and Security in the Department of Finance, also  
10 known as the state information security officer.

11 (3) The Director of Technology Services.

12 (4) The Director of the Office of Privacy Protection in the  
13 Department of Consumer Affairs.

14 (5) The director of the California Highway Patrol's  
15 Emergency Notification and Tactical Alert Center.

16 11771. (a) Upon receiving notification as required by the  
17 Department of Finance of any information security incident or  
18 computer-related crimes, as described in the State Administrative  
19 Manual or subdivision (c) of Section 502 of the Penal Code, the  
20 California Highway Patrol shall notify the state chief information  
21 officer, who shall convene the California Information Security  
22 Response Team to ensure that all of the following have occurred  
23 under existing organizational frameworks:

24 (1) That technical assistance is provided to state agencies to  
25 resolve security issues and address any potential disruption of  
26 state computer services.

27 (2) That all potential computer crimes and criminal security  
28 incidents are properly investigated.

29 (3) That the provisions of Section 1798.29 of the Civil Code  
30 are followed in a timely manner.

31 (b) State agencies shall cooperate in providing information to  
32 the team in the implementation of subdivision (a), as requested.

33 11772. The state chief information officer shall compile and  
34 report to the Legislature no later than December 31, 2007, and  
35 annually thereafter, all information security incidents or  
36 computer-related crimes reported to the California Highway  
37 Patrol. The report shall generally describe the type of reported

- 1 security breach, or potential security breach, and the response
- 2 provided.

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